

REMARKS

Applicants respectfully request further examination and reconsideration in view of the Terminal Disclaimer filed herewith and the arguments set forth fully below. Claims 1 and 36-56 were previously pending in this application. Claims 1 and 36-56 have been rejected. Accordingly, Claims 1 and 36-56 are currently pending in this application.

Non-Statutory Obviousness-Type Double Patenting Rejection

Within the Office Action, Claims 1 and 36-56 have been rejected under the judicially created doctrine of obviousness-type double patenting. Specifically, Claims 1 and 36-56 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-32 of U.S. Patent No. 5,911,799; Claims 1-41 of U.S. Patent No. 6,311,587; Claims 1-25 of U.S. Patent No. 6,490,954 and Claims 1-28 of U.S. Patent No. 6,763,744. The Applicants are filing a terminal disclaimer herewith to obviate this double patenting rejection over U.S. Patent Nos. 5,911,799; 6,311,587; 6,490,954 and 6,763,744. Accordingly, Claims 1 and 36-56 are allowable.

For the reasons given above, the Applicants respectfully submit that the claims are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: November 12, 2004

By: Jonathan O. Owens
Jonathan O. Owens
Reg. No. 37,902

Attorneys for Applicant(s)

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 11/12/04 By: [Signature]